

# STATE OF WISCONSIN

## Senate Journal

### Eighty-Seventh Regular Session

TUESDAY, April 30, 1985

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The senate stood for the prayer which was offered by Reverend John I. Hagen of Faith Lutheran Church of Janesville.

The senate remained standing and Senator Hanaway led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Lecan, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Ulichny and Van Sistine -- 32.

Absent -- Senator Theno -- 1.

Absent with leave -- None.

#### LEAVE OF ABSENCE

By request of Senator Engeleiter, with unanimous consent, Senator Theno was granted a leave of absence for the balance of today's session.

#### INTRODUCTION OF BILLS

Read first time and referred:

##### Senate Bill 190

Relating to snow removal from wayside parking facilities.

By Senators Rude, Theno and Chilsen; cosponsored by Representatives Zeuske and Black.

To committee on Transportation.

##### Senate Bill 191

Relating to correction of certain election canvasses.

By Senators Rude, Davis and Theno; cosponsored by Representatives Johnsrud, Zeuske, Buettner, Lepak, Huelsman, Ourada, Cowles and Goetsch.

To committee on Urban Affairs, Utilities and Elections.

##### Senate Bill 192

Relating to discontinuance of interim allowances to members of the legislature for postage and clerical assistance.

By Senators Czarnecki, Norquist, Helbach and Lorman; cosponsored by Representatives Welch, Barrett, Cowles, Bell, Ourada, Johnsrud, Radtke, Kasten, Carpenter, Turba, Buettner, Hubler, Grobschmidt, Lepak, Margaret Lewis, Nelsen, Zeuske, Walling and Van Gorden.

To committee on Education and Government Operations.

##### Senate Bill 193

Relating to the information required in the annual school district report.

By Senators Davis, Engeleiter and Hanaway; cosponsored by Representative Goetsch.

To committee on Education and Government Operations.

##### Senate Bill 194

Relating to eligibility for an occupational license after suspension for failure to pay a judgment stemming from a nonmoving traffic violation.

By Senators Davis, Hanaway and Lorman; cosponsored by Representatives Huelsman, Williams, Ourada, Weeden, Ladwig, T. Thompson and Zeuske.

To committee on Transportation.

#### COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

##### Assembly Joint Resolution 25

Relating to the lives and public service of Leonard R. Lesnieski and Rosario J. Collura.

Concurrence:

Ayes, 4 -- Senators Cullen, Risser, Engeleiter and Ellis;

Noes, 0 -- None.

##### Senate Joint Resolution 40

Relating to proclaiming May 17, 18, and 19, 1985, Syttende Mai Weekend.

Adoption:

Ayes, 4 -- Senators Cullen, Risser, Engeleiter and Ellis;

Noes, 0 -- None.

**Senate Joint Resolution 39**

Proclaiming May 3, 1985, Trzeciego Maja Day.

Adoption:

Ayes, 4 -- Senators Cullen, Risser, Engeleiter and Ellis;

Noes, 0 -- None.

TIMOTHY F. CULLEN  
Chair

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**PETITIONS AND COMMUNICATIONS**

**Senate Petition 10**

A petition by 35 citizens and taxpayers of the state of Wisconsin in opposition to the elimination of the current mortgage interest deduction for both principal residences and second homes on Wisconsin income tax forms.

By Senator Lorman.

Read and referred to joint committee on Finance.

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**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

April 25, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint NORMAN E. "OLE" ANDERSON of Hudson to the Bingo Control Board pursuant to the statute governing, to serve a term to expire May 1, 1990.

Respectfully,  
ANTHONY S. EARL  
Governor

Read and referred to committee on Labor, Business, Veterans Affairs and Insurance.

State of Wisconsin  
Office of the Governor  
Madison, Wisconsin

April 25, 1985

To the Honorable, the Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint DR. ROBERT J. MORK of Janesville to the Dentistry Examining Board pursuant to the statute governing, to serve a term to expire July 1, 1989.

Respectfully,  
ANTHONY S. EARL  
Governor

Read and referred to committee on Agriculture, Health and Human Services.

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**SENATE CLEARINGHOUSE ORDERS**

**Clearinghouse Rule 83-114**

AN ORDER to renumber and amend HSS 108.02; to amend ch. HSS 108 (title) and 108.01; to repeal and

recreate ch. HSS 101; and to create HSS 108.02, relating to definitions of terms used in the administration of medical assistance, the obligation to safeguard personal information about medical assistance applicants and beneficiaries, and the respective rights and duties of the department of health and social services and counties in the administration of the program.

Submitted by Department of Health and Social Services.

Report received from agency, April 25, 1985.

Referred to committee on Agriculture, Health and Human Services, April 30, 1985.

**Clearinghouse Rule 83-115**

AN ORDER to amend ch. HSS 104 (title) and 104.01 to 104.04; to repeal and recreate chs. HSS 102 and 103; and to create HSS 104.05, relating to application and eligibility for medical assistance and the rights and duties of recipients of medical assistance.

Submitted by Department of Health and Social Services.

Report received from agency, April 25, 1985.

Referred to committee on Agriculture, Health and Human Services, April 30, 1985.

**Clearinghouse Rule 83-116**

AN ORDER to renumber and amend HSS 106.08 to 106.10; to amend ch. HSS 106 (title) and 106.01 to 106.07; to repeal and recreate ch. HSS 105; and to create HSS 106.08, relating to certification of health care providers for medical assistance reimbursement and the rights and duties of health service providers under the medical assistance program.

Submitted by Department of Health and Social Services.

Report received from agency, April 25, 1985.

Referred to committee on Agriculture, Health and Human Services, April 30, 1985.

**Clearinghouse Rule 83-117**

AN ORDER to repeal HSS 107.14; to amend ch. HSS 107 (title), 107.01 to 107.03, 107.04 to 107.11, 107.13, 107.15 to 107.23, 107.25 to 107.27 and 107.29; to repeal and recreate HSS 107.24 and 107.28; and to create HSS 107.035, 107.12 and 107.30, relating to health care services paid for by the medical assistance program.

Submitted by Department of Health and Social Services.

Report received from agency, April 25, 1985.

Referred to committee on Agriculture, Health and Human Services, April 30, 1985.

**Clearinghouse Rule 85-60**

AN ORDER to amend TC 5.02 (1) and 5.16 (4) (b); and to create TC 5.13 (15) (b) 3, relating to the regulation of intrastate railroad rates.

Submitted by Office of the Commissioner of Transportation.

Report received from agency, April 29, 1985.

Referred to committee on Transportation, April 30, 1985.

JOURNAL OF THE SENATE [April 30, 1985]

The committee on Urban Affairs, Utilities and Elections reports and recommends:

**Clearinghouse Rule 84-251**

AN ORDER to create PSC 113.94 (3), relating to establishing a retroactive period for extension rules.

Submitted by Public Service Commission.

No action taken.

MORDECAI LEE  
Chair

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in as amended:

**Senate Bill 76**, assembly amendments 1, 2, 3, 1 to 4, 4 and 11

Concurred in:

**Senate Bill 6**  
**Senate Joint Resolution 34**

Adopted and asked concurrence in:

**Assembly Joint Resolution 32**  
**Assembly Joint Resolution 33**

Passed and asked concurred in:

**Assembly Bill 53**  
**Assembly Bill 99**

MESSAGE FROM THE ASSEMBLY  
CONSIDERED

**Assembly Joint Resolution 32**

Protesting the removal of the remains of Frank Lloyd Wright from Wisconsin and requesting their return.

By Representatives Tregoning, Schultz and Loftus, cosponsored by Senator Kreul.

Read and referred to committee on Senate Organization.

**Assembly Joint Resolution 33**

Relating to observing the week of May 5 to 11, 1985, as Suicide Awareness Week.

By Representative Krusick, cosponsored by Senator Otte.

Read and referred to committee on Senate Organization.

**Assembly Bill 53**

Relating to student membership on the board of regents of the university of Wisconsin system.

By Representatives Clarenbach, Shoemaker, Radtke, Mark Lewis, Brist, Medinger, Buettner, Hasenohrl, Jauch, Hubler, M. Coggs, Becker and Hauke, cosponsored by Senators Czarnetzki, Harsdorf, Rude, Helbach, Moen, Kreul, Theno, Strohl, Feingold and Risser.

Read first time and referred to committee on Education and Government Operations.

**Assembly Bill 99**

Relating to the possession, sale, service and delivery of alcohol beverages by underage persons.

By Representatives Medinger, Holperin, Hephner, Johnsrud, Lepak, Carpenter, Holschbach, Metz, Becker, Bolle, T. Thompson, Musser, Nelsen, Goetsch and Zeuske, cosponsored by Senators Kincaid, Andrea, Rude, Davis, Harsdorf and Risser.

Read first time and referred to committee on Labor, Business, Veterans Affairs and Insurance.

CALENDAR OF APRIL 30

**Senate Bill 76**

Relating to various changes in the unemployment compensation law, providing for a study, granting rule-making authority and making appropriations.

Read.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

**Senate Bill 76**, assembly amendment 2

1. Page 1, line 4: substitute "108.16" for "108.165".

The question was: Concurrence of assembly amendment 1?

By request of Senator Roshell, with unanimous consent, the senate recessed until 10:52 A.M.

10:12 A.M.

RECESS

10:52 A.M.

The senate reconvened.

The question was: Concurrence of assembly amendment 1?

Concurred in.

The question was: Concurrence of assembly amendment 2?

Concurred in.

Senate amendment 1 to assembly amendment 3 offered by Senators Engeleiter and Roshell.

The question was: Adoption of senate amendment 1 to assembly amendment 3?

Senator Van Sistine moved rejection of senate amendment 1 to assembly amendment 3.

The question was: Rejection of senate amendment 1 to assembly amendment 3?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Lee, Moen, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 18.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Lekan, Lorman, McCallum, Roshell, Rude and Stitt -- 14.

Absent or not voting -- Senator Theno -- 1.

So the motion prevailed.

The question was: Concurrence of assembly amendment 3?

Concurred in.

Senate amendment 1 to assembly amendment 4 offered by Senators Van Sistine, Cullen, Norquist, Otte, Moen, Feingold, Plewa, Ulichny, Chvala, Andrea, Helbach, Czarnecki, Lee, Strohl, Kincaid, Roshell and Risser.

The question was: Adoption of senate amendment 1 to assembly amendment 4?

Adopted.

The question was: Concurrence of assembly amendment 4?

Concurred in as amended.

Senate amendment 1 to assembly amendment 11 offered by Senators Van Sistine, Cullen, Norquist, Otte, Plewa, Ulichny, Chvala, Andrea, Helbach, Czarnecki, Lee, Strohl, Kincaid, Moen, Feingold and Risser.

The question was: Adoption of senate amendment 1 to assembly amendment 11?

Adopted.

Senate amendment 2 to assembly amendment 11 to **Senate Bill 76** offered by Senators Roshell, Moen, Kincaid and Harsdorf.

The question was: Adoption of senate amendment 2 to assembly amendment 11?

By request of Senator Van Sistine, with unanimous consent, **Senate Bill 76** was placed at the foot of the calendar.

By request of Senator Cullen, with unanimous consent, **Assembly Joint Resolution 33** was withdrawn from committee on Senate Organization and considered at this time.

### **Assembly Joint Resolution 33**

Relating to observing the week of May 5 to 11, 1985, as Suicide Awareness Week.

Read.

Concurred in.

### **Senate Joint Resolution 39**

Proclaiming May 3, 1985, Trzeciego Maja Day.

Read.

Adopted.

### **Senate Joint Resolution 40**

Relating to proclaiming May 17, 18, and 19, 1985, Syttende Mai Weekend.

Read.

By request of Senator Lekan, with unanimous consent, he was made a co-author of **Senate Joint Resolution 40**.

Adopted.

By request of Senator Hanaway, with unanimous consent, the leadership of the Senate shall communicate with the Governor in reference to the flying of the Republic of Ireland flag over the South Wing of the State Capitol on March 17.

### **Senate Bill 30**

Relating to regulations of and permits for campgrounds, camping resorts, recreational and educational camps, mobile home parks and public swimming pools.

Read a second time.

Senate amendment 1 offered by Senators Davis, McCallum and Stitt.

The question was: Adoption of senate amendment 1? Adopted.

Senate amendment 2 offered by Senators Stitt and Davis.

The question was: Adoption of senate amendment 2?

Senator Ellis moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Ellis, Engeleiter, George, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Strohl, Ulichny and Van Sistine -- 24.

Noes -- Senators Chilsen, Davis, Feingold, Hanaway, Lekan, Lorman, McCallum and Stitt -- 8.

Absent or not voting -- Senator Theno -- 1.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

### **Senate Bill 30**

Read a third time and passed.

### **Senate Bill 89**

Relating to duplicate operator's licenses and identification cards issued by the department of transportation.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 89**

Read a third time and passed.

**Senate Bill 96**

Relating to overtaking and passing a stopped motor bus and providing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1? Adopted.

The question was: Shall the bill be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Hanaway, Helbach, Kincaid, Kreul, Lee, Lorman, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Strohl, Ulichny and Van Sistine -- 23.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Harsdorf, Lasee, Lekan, McCallum and Stitt -- 9.

Absent or not voting -- Senator Theno -- 1.

So the bill was ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 96**

Read a third time.

Senator Kreul asked unanimous consent that **Senate Bill 96** be referred to committee on Transportation.

Senator Norquist objected.

Senator Kreul moved that **Senate Bill 96** be referred to committee on Transportation.

The question was: Shall **Senate Bill 96** be referred to committee on Transportation?

By request of Senator Kreul, with unanimous consent, he withdrew his motion to refer **Senate Bill 96** to committee on Transportation.

By request of Senator Hanaway, with unanimous consent, the bill was referred to a second reading.

Read a second time.

Senate amendment 2 offered by Senator Hanaway.

The question was: Adoption of senate amendment 2? Adopted.

Senate amendment 3 offered by Senator Kreul.

The question was: Adoption of senate amendment 3?

Senator Norquist moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

The motion prevailed.

Senate amendment 4 offered by Senator Lorman.

The question was: Adoption of senate amendment 4?

Senator Norquist moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The motion prevailed.

Senate amendment 5 offered by Senator Lorman.

The question was: Adoption of senate amendment 5?

Senator Norquist moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

The motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

**Senate Bill 96**

Read a third time and passed.

**Assembly Joint Resolution 25**

Relating to the lives and public service of Leonard R. Lesniewski and Rosario J. Collura.

Read.

Concurred in.

**Senate Bill 76**

Relating to various changes in the unemployment compensation law, providing for a study, granting rule-making authority and making appropriations.

Read.

Senate amendment 1 to senate amendment 2 to assembly amendment 11 offered by Senators Roshell and Harsdorf.

The question was: Adoption of senate amendment 1 to senate amendment 2 to assembly amendment 11?

Senator Van Sistine moved rejection of senate amendment 1 to senate amendment 2 to assembly amendment 11?

The question was: Rejection of senate amendment 1 to senate amendment 2 to assembly amendment 11?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, Helbach, Kincaid, Lee, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 16.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, George, Hanaway, Harsdorf, Kreul, Lasee, Lekan, Lorman, McCallum, Moen, Roshell, Rude and Stitt -- 16.

Absent or not voting -- Senator Theno -- 1.

So the motion did not prevail.

The question was: Adoption of senate amendment 1 to senate amendment 2 to assembly amendment 11?

Senator George asked unanimous consent that the record of rejection of senate amendment 1 to senate amendment 2 to assembly amendment 11 be expunged.

Senator Lasee objected.

Senator George moved reconsideration of the vote by which senate amendment 1 to senate amendment 2 to assembly amendment 11 was rejected.

The question was: Reconsideration of the vote by which senate amendment 1 to senate amendment 2 to assembly amendment 11 was rejected?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnezki, Feingold, George, Helbach, Kincaid, Lee, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 17.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Lekan, Lorman, McCallum, Moen, Roshell, Rude and Stitt -- 15.

Absent or not voting -- Senator Theno -- 1.

So the motion prevailed.

The question was: Rejection of senate amendment 1 to senate amendment 2 to assembly amendment 11?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnezki, Feingold, George, Helbach, Kincaid, Lee, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 17.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Lekan, Lorman, McCallum, Moen, Roshell, Rude and Stitt -- 15.

Absent or not voting -- Senator Theno -- 1.

So the motion prevailed.

The question was: Adoption of senate amendment 2 to assembly amendment 11?

Senator Van Sistine moved rejection of senate amendment 2 to assembly amendment 11.

The question was: Rejection of senate amendment 2 to assembly amendment 11?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnezki, Feingold, George, Helbach, Kincaid, Lee, Norquist, Otte, Plewa, Risser, Strohl, Ulichny and Van Sistine -- 17.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Lekan, Lorman, McCallum, Moen, Roshell, Rude and Stitt -- 15.

Absent or not voting -- Senator Theno -- 1.

So the motion prevailed.

Senate amendment 3 to assembly amendment 11 offered by Senator Van Sistine.

By request of Senator Van Sistine, with unanimous consent, senate amendment 3 to assembly amendment 11 was returned to the author.

The question was: Concurrence of assembly amendment 11?

Concurred in as amended.

By request of Senator Engeleiter, with unanimous consent, the senate adjourned in honor of Senator McCallum's birthday.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, May 2.

12:44 P.M.

#### CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

##### Senate Bill 115

1. Page 1, line 4: after "amend", insert "111.81(2)(intro.)."

2. Page 1, line 5: delete "111.81(2)."

3. Page 6, line 27: delete that line and substitute:

"SECTION 12. 111.81(2)(intro.) of the statutes is renumbered 111.81(2) and amended to read:"

##### Senate Bill 170

1. Page 1, line 4: after "amend", insert "111.81(2)(intro.)."

2. Page 1, line 5: delete "111.81(2)."

3. Page 7, line 6: delete that line and substitute:

"SECTION 12. 111.81(2)(intro.) of the statutes is renumbered 111.81(2) and amended to read:"